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ELECTION FINANCE

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Charles Landrum, Jr.
(1917-1990)
Weldon Shouse
(1915-2004)

Of Counsel
Thomas M. Cooper
John H. Burrus

Office of General Counsel
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort, Kentucky 40601

RE: Request for Advisory Opinion

Dear Sir or Madam:

Please consider this a request for an advisory opinion relating to the application of campaign finance laws under KRS Chapter 121. In 2006, I ran for election to the office of District Court Judge, 30th Judicial Circuit, First Division, in Jefferson County, Kentucky. Jefferson County is allotted 17 District Court judges, each of whom is elected on county-wide ballots.

As the third-place finisher in the May, 2006, primary election for this position, my candidacy did not continue until the November, 2006 election. My campaign committee had a balance of funds remaining from my campaign, which have remained in the campaign committee account pursuant to my intent to run for the same office at a later time. KRS 121.180(10); KRS 121.175(1).

As I understand the statute and previous opinions, I do not believe that this would constitute a "different office" under campaign finance laws. For example, District Court judges are allotted to judicial circuits based on population and caseload. They are elected by the same population and hold the same office as other District Court judges. Judicial districts are not allotted by any particular geography or subject matter jurisdiction within the judicial circuit and the division distinction appears to be one of logistical necessity for election purposes.

Accordingly, my inquiry is whether a candidate for District Court judge may use funds from a previous campaign for District Court judge in the same judicial circuit, even though for a different division of the District Court? Your response is appreciated.

Sincerely,



DAVID P. BOWLES
Landrum & Shouse LLP
Louisville Office
dbowles@landrumshouse.com

William C. Shouse
Pierce W. Hamblin
Mark L. Moseley
Leslie Patterson Vose
John R. Martin, Jr.
Larry C. Deener
Mark J. Hinkel
John G. McNeill
R. Kent Westberry
Douglas L. Hoots
Daniel E. Murner
Estill D. Banks II
Robert T. Watson
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Jeffrey A. Taylor
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Stephen R. Chappell
Bennett E. Bayer
Evan B. Jones
Michael K. Nisbet
David P. Bowles
Chris J. Gadansky
Caroline Pitt Clark
Dinah T. Bevington
Abigail Jessica Hughes
Tyler Griffin Smith
R. Sean Quigley
Elizabeth A. Deener
Chacey R. Ford
Bryan E. Wright

